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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,961	02/28/2004	Peter M. Kowalik	2004CP2	6693

7590 08/09/2005

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EXAMINER

FISHMAN, MARINA

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,961

Applicant(s)

KOWALIK ET AL.

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 5-12, 15, 17-20, 22-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12, 15, 17-20, 22-47, 52-54 is/are allowed.
- 6) ☒ Claim(s) 48 and 49 is/are rejected.
- 7) ☒ Claim(s) 2, 5-10, 50 and 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a Non-Final Action on the Merits. Claims 2, 5 –12, 15, 17 – 20, 22 - 54 are pending in the case and are being examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “principally comprises”, recited in Claim 49, is the relative term, which renders the claim indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 48 is rejected under 35 U.S.C. § 102(b) as being anticipated by Newington [US 4,238,800].

Newington, discloses an electrically conductive contact structure comprising:

- a flexible rod [4];

- a conductive path [16,17] along an exterior surface of the rod, the conductive path is comprises one or metal conductors [metal braid; Column 2, lines 22, 23], the braid being boded to the rod surface by adhesive bonding [Column 2, line 60]. The adhesive would inherently occupy interstitial locations between the metal strands or braids.

Allowable Subject Matter

5. Claims 11, 12, 15, 17 - 20, 22 - 47, 52 - 54, are allowed.

Regarding Claim 11, the prior art of record does not teach or suggest, in combination with the claimed elements, the first and second parts, each having an electrically conductive surface forming a continuous conductive path along the outside of the joined parts with conductive path exteriorly exposed for contact along its length.

Regarding Claim 22, the prior art of record does not teach or suggest, in combination with the claimed elements, a second contact element that includes a rod portion having an end proximate to which there is joined with the rod portion a first end of a pin on which a roller, with an outer rim, is located and free to rotate, a second end of the pin being joined with a cam bar, the rod portion, pin, roller, and cam bar all being electrically conductive.

Regarding Claim 27, the prior art of record does not teach or suggest, in combination with the claimed elements "the latch including conductive members comprising a rod portion connected at one end with the other of the contacts and having a second end proximate to which a pin is attached to the rod portion with a roller free to

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rotate thereon, the latch further comprising a cam bar attached to the pin on a side of the roller opposite the rod portion.”

Regarding Claim 33, the prior art of record does not teach or suggest, in combination with the claimed elements, a whip having structure including ... the surface conductive path of the whip tip-end portion extends continuously along the length of nonmetal rod.

Regarding Claim 41, the prior art of record does not teach or suggest, in combination with the claimed elements, a rod assembly of first flexible ... continuously along the length of nonmetal rod.

Claims 2, 5 -10, 50 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2, recites “adhesive includes a resinous material containing metallic particles”, and Claim 5, recites “silicon resin contains metal particles”, both define over the art of record.

Response to Arguments

6. Applicant's arguments filed 07/14/2005 have been fully considered but are moot in view of new ground of rejection.

In view of the arguments presented by the Applicant the Examiner has reconsidered her position, and some of the claims have been declared allowable. However, claim 48 has been rejected based on newly found reference of Newington.

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The Examiner has also cited similar references wherein the ore rod is made from fiberglass material and the exterior is made from wire conductor.

The Examiner wishes to express regret for any inconvenience caused by the withdrawal of finality of the rejection.

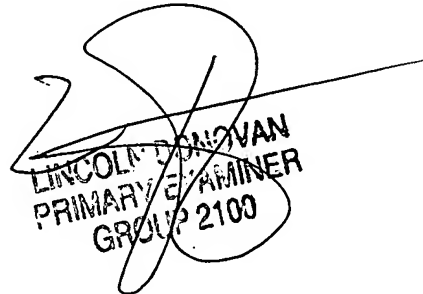
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
August 1, 2005


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100